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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
HIROYUKI MENJO, ET AL. : ALLOWED: JANUARY 19, 2011
SERIAL NO: 10/574,225 : EXAMINER: CHOO, MUNSOON
FILED: DECEMBER 13, 2006 : GROUP ART UNIT: 2617
FOR: MOBILE COMMUNICATION :
TERMINAL AND POSITIONAL
INFORMATION PROVIDING METHOD

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants acknowledge with appreciation the indication of allowability of the claimed invention. In response to the Examiner's statement enclosed with the Notice of Allowance of January 19, 2011, Applicants respectfully submit the following comments.

In the Examiner's statement enclosed with the Notice of Allowance, pages 7-11 state in part:

4. The following is an examiner's statement of reasons for allowance:
Claims 1-7, 9, 12, 14 and 16 are allowed.

Re claims 1, 6 and 9, Lin discloses a system comprising:

A communication partner equipment (**Lin, fig 1: base station**);

A portable communication terminal communicatively coupled to the communication partner equipment...

Note (not citation; for clarifying the claimed limitation below): In current application, fig 1 : "GPS server" to "location acquiring part" to "location transmitter" to "content delivery server") location transmitting means for transmitting, from the portable communication device over the control channel, the location information

acquired by the location acquiring means from the location information calculating server to the communication partner equipment...

Note (not citation): In current application, fig 1: Examiner notes that there is a specific signal particular goes through the “USER” channel, and there are three specific signals that go through the “CONTROL” channel.

Note: data transmission over the “USER” channel is well known. For the other three signals over the “CONTROL” channel, please refer to the Lin P [32] and location updating procedure.

Note (not citation): In current application, figure 1: content delivery server 30 and GPS server 40.

Note: Lin, fig 1: position producer (GPS server) and base station (is content delivery server). Base station stores information (content) in HLR and/or VLR, wherein said information can be delivered to other network devices.

However, the prior art of records fail to disclose singly or in combination to render obvious that:

location acquiring means for acquiring, at the portable communication device, the location information over the control channel from the location information calculating server in parallel with the data transmitting means transmitting the picture data to the communication partner over the user channel;

location transmitting means for transmitting, from the portable communication device over the control channel, the location information acquired by the location acquiring means from the location information calculating server to the communication partner equipment in parallel with the data transmitting means transmitting the picture data to the communication partner over the user channel;

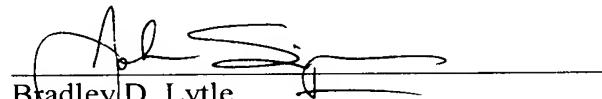
It is respectfully noted that independent Claims 1,6 and 9 do not include the language recited above. The Examiner’s Statement mischaracterizes the claims to the extent that the Examiner’s Statement refers to Figure 1 of the application and provides explanations which suggest that the claims include additional limitations beyond the language of the claims. The specification and explanations provide non-limiting embodiments of Applicants’ advancement. It is the claims that define the invention, and not explanations or Applicants’ specification. The claims are patentable by virtue of the limitations recited therein rather than the structure of the apparatus. Also, Claims 6, being directed to a location information

providing method, does not include a reference to structure as may be implied and/or inferred by the examiner's statement. Claim 6 has no reference to "a location acquiring means" or to a "location transmitting means".

Accordingly, it is respectfully submitted that the above-quoted statement does not apply to Claims 1,6 and 9 to the extent the language used in the statement differs from the language of the claims.

Respectfully submitted,

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